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10/577,052	01/12/2007	Roger Arthur Mugford	P71244US0	2332

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EXAMINER

MICHENER, JOSHUA J

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3644

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,052	Applicant(s) MUGFORD, ROGER ARTHUR	
	Examiner JOSHUA J. MICHENER	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. It is noted, Examiner's position of Official notice to claim 17 was not traversed. As such, the Examiner takes the assertion of Official notice be admitted prior art. Thus, it is admitted prior art that it is old and well known in the art that polyester webbing is used for leashes and harnesses. Thus, hereon this admission will be referred to as Applicant admitted prior art (AAPA).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 13 recites, "...a length of at least one strap or loop is adjustable." However, it is unknown if "at least one strap or loop" encompasses the previously recited chest strap, back strap, lower strap or trunk loop OR if Applicant intends to claim additional straps or loops.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 6, 7, 11, 12, 13, 14, 15, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lady (20040000273).

3. Re claims 1, 14, 18, Lady discloses a chest strap (11) which in use of the harness lies across the chest of the animal in front of the forelegs; a trunk loop (12, 13) to which each end of the chest strap is attached and which includes a back strap (12) which in use of the harness lies across the back of the animal affixed to a lower strap (13) which in use of the harness passes of under the animal behind the forelegs; and art a first attachment (15) capable of using with a leading strap, the first attachment being slidably mounted on the chest strap (the ring 15 slides inside the loop formed on the end of 11) for movement therealong in a direction in which the leading strap is being pulled during use; and a second attachment (a first ring 14) for the leading strap (wherein the Examiner contends if so desired one could attach a leading strap to the ring thereby meeting the scope of the claim as NO leading strap is positively claimed), provided on the back strap of the trunk loop.

4. Re claim 2, wherein the first attachment for leading strap is a ring (15) through which the chest strap passes.

5. Re claim 3, further comprising a stabilizing link (21 OR 20) one end of which is mounted on the chest strap and the other end of which is capable to be attached in use of the harness to a collar around the neck of the animal.

6. Re claim 4, wherein the stabilizing link (21) is slidably mounted on the chest strap for movement therealong.

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7. Re claim 6, wherein the stabilizing link (21) is attached to a cinch (19) through which a loop (figs 1 and 4, where a loop is formed in strap 11) of the chest strap passes.
8. Re claim 7, wherein the first attachment (15) for the leading strap is mounted on the said loop (fig 1) of the chest strap whereby the cinch is retained on the chest strap.
9. Re claim 11, wherein the ends of the chest strap are pivotably attached to the trunk loop where the back strap meets the lower strap (fig 1).
10. Re claim 12, wherein the trunk loop includes a clasp (10) by which the trunk loop can be opened in use of the harness allow the harness to be placed on or removed from an animal.
11. Re claim 13, as best understood, wherein a length of at least one strap or loop is adjustable (18).
12. Re claim 15, the first attachment on the chest strap for the leading strap is constrained against free movement along the chest strap (fig 1). The first attachment is limited by the loop on the ends of strap.
13. Re claim 16, wherein the second attachment for the leading strap is constrained against free movement along the back strap. The second attachment is limited by the loop on the ends of strap (fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lady in view of AAPA.

14. Re claim 17, Lady fails to teach the chest strap is of a polyester webbing. However, AAPA discloses it is known in the art that harness and straps are made of polyester webbing. Thus, it would have been obvious at the time of invention to make the strap from polyester webbing as it is old and well known to do so and for durability.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. It is noted, Lady has been reinterpreted above in view of the amendments.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the first attachment is mounted such that it can move along the length) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It should also be noted, that ring still moves along the width with the loop portions.

In response to Applicant's arguments that ring 15 does not "slidingly" move in the direction of the leading strap, the Examiner respectfully disagrees. Ring 15 is not fixed thus, would sliding rotate within the loop portions of strap 11 in the direction a lead strap would be pulled thereby meeting the scope of the claim.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA J. MICHENER whose telephone number is (571)272-1467. The examiner can normally be reached on Monday through Friday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua J Michener
Examiner
Art Unit 3644

/Kimberly S Smith/
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